

CRITICISM OF SUPREME COURT

Mr. Roosevelt Justifies His Attacks and Cites Lincoln and Dred Scott Case.

HE ALSO QUOTES PREST. TAFT

Has Rendered No Service More Deserving of Record Than His Criticisms of the Judiciary.

Syracuse, N. Y., Sept. 17.—Theodore Roosevelt returned to the defense of his new nationalism today as was specifically indicated in the title of his address at the state fair here—"The New Nationalism and the Old Morality."

"The new nationalism," he reiterated, "means nothing but an application to new conditions of certain old and fundamental moralities. It means an invitation to meet the new problems of the present day in precisely the spirit in which Lincoln and the men of his day met their new problems."

To his critics he put this issue: "Is any party willing to take the other side of the propositions of which complaint is made? If so, it would be a good thing to have the issue before the people for in the end the people would certainly decide in favor of the principles embodied in the new nationalism, because otherwise this country could not continue to be a true republic, a true democracy."

JUSTIFIES HIS ATTACKS.

The speaker followed this with a justification of his attacks on the supreme court of the United States. He chose two arguments—one, that in his criticism he had merely echoed the minority opinions of the court itself, the other that he had illustrated precedents—the example of Abraham Lincoln—who he said, had been far more outspoken than he himself had ever been and the example of President Taft, from whose utterances 15 years ago, in favor of public criticism of the courts he quoted.

"Take for instance," he continued, "what I said in reference to late decisions of the supreme court. One decision was in the Knight Star case, in which, according to the dissenting opinion of Justice Harlan, the court placed the public so far as national power is concerned, the only power which could be effectively exercised at the mercy of the combinations which arbitrarily control the prices of articles produced to be transported from one state into another state."

"I merely took the view which the learned justice had taken in his criticism of the court," he said. "Do my critics take the position that the people should not be able to control the activities and management of these great monopolistic corporations doing an interstate business? If so, let them frankly avow their position. If not, let them cease their criticism."

The other case mentioned was one known to New York state to regulate hours of work in bakeries and confectioneries. The speaker said, he had based his criticism on a dissenting opinion within the court itself.

DRED SCOTT CASE.

"Fifty-three years ago," he continued, "Abraham Lincoln was assailed for his repeated criticisms of the supreme court in the 'Dred Scott' case. As regards this decision," he asserted, "not only did he again and again, he held it to be not only the right, but the duty of citizens who felt that judicial decisions were erroneous and dangerous, to abide by the decisions as long as they stood, but to try to secure their reversal; his language on one occasion being as follows: 'We do not propose to disturb the rights of property thus settled. We propose to resist the decision as to the question of its validity and to establish the subject.'

"He repeated this statement in slightly differing language in speech after speech. Moreover, he used very strong language about the decision—stronger than I dream of using or the decisions which I now deal with. But his view as to his right and duty to call attention to an erroneous decision which vitally affected the rights of the people, was, I think, entirely sound. At any rate, if I have erred, in commenting as I have commented upon the decisions in this case, I am entirely ready to accept the criticism of the nation."

"He makes war on the decisions of the supreme court," I wish to say to no citizen, that I have no war on the decisions of the supreme court. I am content to take that decision as an established precedent by the highest judicial tribunal on earth. I am content to abide by the Constitution of the United States for that purpose and hence that decision becomes the law of the land, binding on you, on me and on every other good citizen, whether we like it or not. Hence I do not choose to go into an argument to prove before this audience whether or not the chief justice understood the law better than Theodore Roosevelt."

ATTACK ON ROOSEVELT.

"Now, gentlemen, I have made one change in the above quotation. The last words were not 'Theodore Roosevelt,' the last words were 'Abraham Lincoln,' and this attack made nearly 53 years ago and exactly the same attack made upon me at the moment. The difference and profound respect for his life, the difference between the two men, and the difference between the two attacks, is a higher and a nobler one than any other man can possibly be and it is a cause of pride to every American citizen that our supreme court is the most influential judicial tribunal in the entire world. I am again quoting Abraham Lincoln; let me quote 'We believe in obedience to and respect for the judicial department of the government. We think its decisions on constitutional questions, when fully acted upon, are absolutely with this sentence: 'I do not believe in what Lincoln said immediately after the war, but we think this decision erroneous and we shall do what we can to have it overturned.'

"Nor do I have to go only to the statement of the past for precedents."

SUIT TO DISSOLVE AM. SUGAR REFINING CO.

Washington, Sept. 17.—Confirmation of the report that a petition for the dissolution of the American Sugar Refining company has been completed by government officials was received here today. It was learned that the present intention at the department of justice is to file the suit in New York some time next week.

The action will be entirely independent of the criminal proceedings which have attracted such wide attention and resulted in a number of convictions.

The president of the United States, Mr. Taft, has served his country honorably and ably in many positions. As judge, as governor of the Philippines, as secretary of war, and now as president, for to him and the Congress acting with him, we owe the creation of a tariff commission; the adoption of maximum and minimum tariff law treaties with foreign powers, the proper treatment of the Philippines under the tariff, the increase in the efficiency of the interstate commerce, the beginning of a national legislative program, providing for the exercise of the taxing power in connection with corporations doing an interstate business, a postal savings bank bill, the constitution of a commission to report a remedy for overcapitalization in connection with the issue of stocks and bonds, but few of his services are more deserving of record than what he said in this matter of criticism of the judiciary. Speaking as a United States circuit judge 15 years ago, he said:

PRESIDENT TAFT CITED.

"The opportunity freely and publicly to criticize judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attacks. Nothing tends more to render judges careful in their decisions and anxious to do exact justice than the consciousness that every act of theirs is to be submitted to the intelligent scrutiny and candid criticism of their fellow men. In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance because it is the only practicable and available instrument in the hands of a free people to keep such judges alive to the reasonable demands of those they serve."

Dropping the personal pronoun, the colonel took up an exposition of what "we who work for the new nationalism" believe. He reiterated his belief in government by party, the recognition of the necessity of corporations in business, accompanied by the elevation of the workingman by unions; but all these agencies, he was convinced, must be under control of the whole people. The one vital and essential matter in all public life was honesty. All good citizens must join in warning on the crook, whether giver or taker of bribes, as a traitor to democracy.

BOSSES AND LEADERS.

The address closed with the only words that could be construed as having any bearing on the immediate political situation within the Republican party in this state—a dissertation on popular self-control and party discipline. "It is necessary and desirable," said the colonel, "that there should be leadership, but it is unnecessary and undesirable that there should be bosses. The leader leads the people; the boss drives the people. The leader gets his hold by appeal to the reason and the conscience of his followers; the boss keeps his hold by manipulation, by intrigue, by secret and furtive appeal to envy, to greed, to avarice and sometimes to very base motives."

"Progress there must be, but it must be wise, sober and moderate if it were to be permanent. Prosperity must be permanent for material well-being was a great good, but it was only a foundation for a lofty national life, raised in accordance with the doctrine that 'righteousness exalteth a nation.'"

SERIES OF BURGLARIES NETTING \$80,000

New York, Sept. 17.—A series of burglaries which have occurred in New York during the last few days, netting the thieves a total of nearly \$80,000, is being investigated by the police, according to an announcement published today. No statement regarding the details of the robberies or the names of the persons who were robbed has been given out by the authorities, but detectives with lists of the stolen property are said to be stationed in all the big pawnshops and to have put the proprietors through a course of rigid questioning in an effort to trace the missing articles.

The lost appears to have consisted principally of jewelry and furs. The list of jewelry includes a diamond brooch, containing 11 diamonds, an emerald and diamond necklace and a number of other ornaments with stones ranging from two to six carats. The hundred pieces of property are said to be worth a total of \$75,000. "Thefts of jewelry and diamonds and a number of other ornaments with stones ranging from two to six carats. The hundred pieces of property are said to be worth a total of \$75,000. 'Thefts of jewelry and diamonds and a number of other ornaments with stones ranging from two to six carats. The hundred pieces of property are said to be worth a total of \$75,000.'

REV. DR. JOHN WORDSWORTH, POET'S NEPHEW, COMING

New York, Sept. 17.—The Right Rev. Dr. John Wordsworth, a nephew of the famous English poet, will arrive in New York this week to be the guest of the Rev. Dr. William T. Manning, rector of Old Trinity church. He will preach in Trinity on Sept. 25, and is scheduled to be a guest at several social functions within the few following days. He is the bishop of Salisbury, England, and the son of a bishop.

The bishop comes to America chiefly to deliver a sermon at the opening Episcopal convention in Cincinnati Oct. 5. While at the convention he will be the center of social and official functions, and later will speak at a number of church clubs. He will spend some weeks in New York, and will go also to Niagara Falls and to Canada for brief visits.

ITALY'S PROFIT FROM LOTTERIES IMMENSE

Washington, Sept. 17.—A profit of about \$9,000,000 accrued to the Italian government last year, through the national lottery, under government control. The total lottery receipts were nearly 16 1/2 million dollars, half of which the state paid out in expenses and winnings. The lottery business increased more than one-half million dollars over the preceding year, according to a report by Consul General Smith, at Genoa.

Big Splash at Desert Gymnasium Today

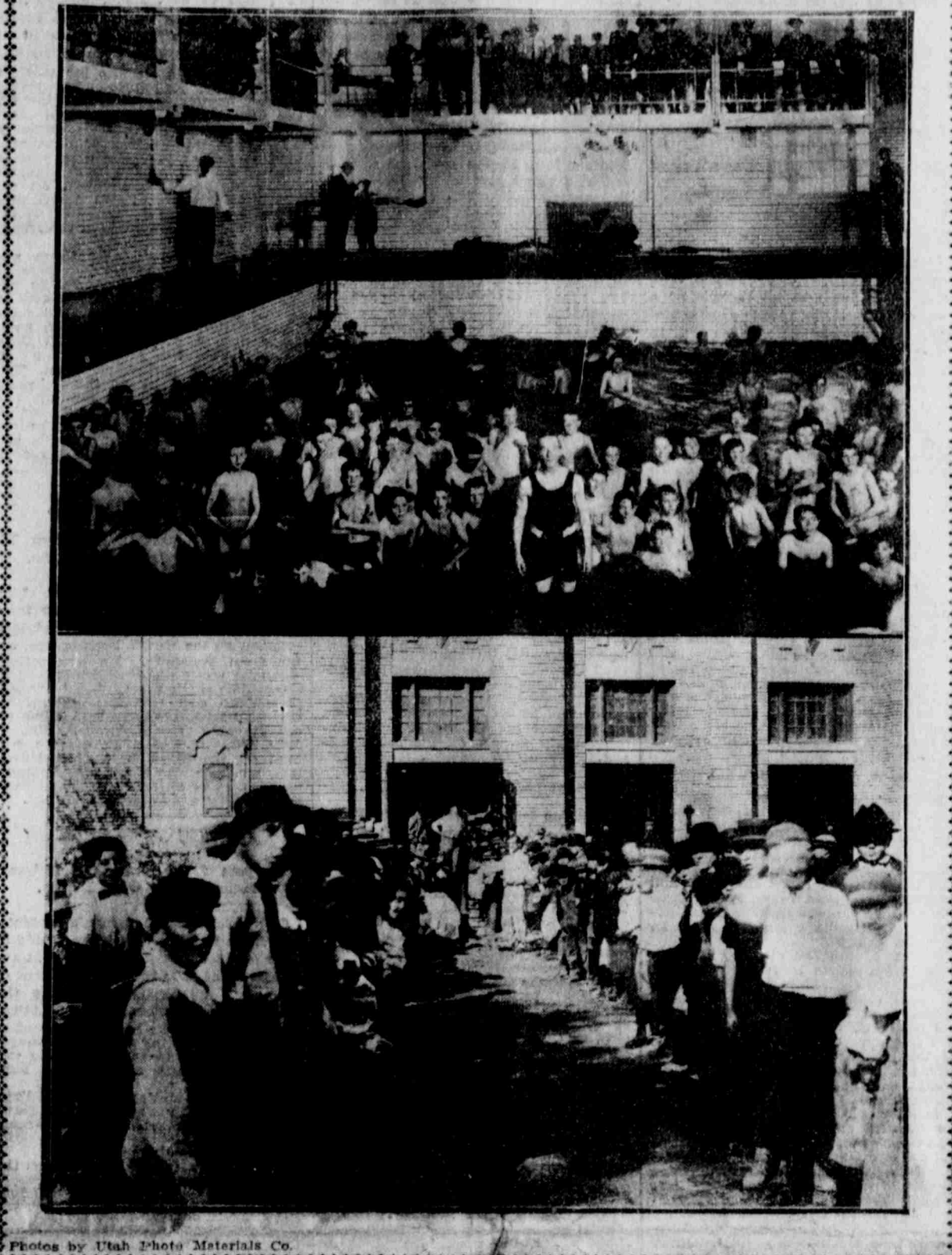


Photo by Utah Photo Materials Co. Upper picture shows a portion of the pool at the new Desert Gymnasium, which was filled with boys all day today, in response to the invitation of the gymnasium to all boys of the city. Lower picture shows some of the boys waiting to enter the gymnasium at 10 o'clock. There were 265 boys in line.

It was the day of the big splash at the Desert gymnasium today when the boys of the city gathered there upon the invitation of the gymnasium to a free swim in the fine big pool. Bright and early after breakfast, the crowd of young men swarmed about the grounds waiting for the first chance to plunge into the water for the morning's frolicsome fun. As the morning's frolicsome fun was being there so early that it is a safe wager that they missed their morning meal in order to be not late.

"It was a great day for the youngsters and a busy day for the gymnasium officials. Secretary Hinckley, Physical Director Day and everybody else of the corps of instructors were kept on the jump from the opening hour and will be stepping lively until the day's fun is over. Assistant Physical Director Robert Richardson is taking the longest bath of his life today. He arrived at the gymnasium early this morning and was soon in his bathing suit. He was in the water with the youngsters before he finished his day's work. His bath will have lasted in the neighborhood of 10 hours. He was there to see that no accidents occurred in the pool, but, although kept busy, he was not called upon during the first part of the day, at least, to help any of the lads in the pool. The pool was only partly filled with water, and the boys today, varying from a few inches to three feet in depth.

MY BROTHER SYLVESTER.

There were exhibitions of diving from the west wall of the pool that made the little fellows sit up and take notice. Here and there could be heard a little fellow telling about a brother he had that could dive better than that if he were only there. His story would start others telling how their brothers could swim. Some of the boys could swim in expert fashion, others made a great fuss about it, stirring the water up into a boiling pool, but seeming to make no noticeable progress toward their goal.

There was one lad in the 9 to 10 clock group of 20 of caused much amusement for the onlookers. He was called "Sylvestor."

FIRST ON THE SCENE.

The honors of being first on the scene for the morning splash rest lightly upon the shoulders of James Edward Fitzpatrick, 12 years of age, who attends the Lafayette school. James Edward is a very fond of swimming and has followed the sport with much interest since he was 7 years of age, when he began his aquatic activities in a swimming hole near Sugar House. The first time he went swimming was when some older boys threw him in the water with all his clothes on. He had a swim, because none of his tormentors would help him get out. To add to his discomfort, James Edward was turned over a parental knee when he arrived home all wet. He promised never to do it again. He never did, with his clothes on. In the pool this morning James Edward displayed considerable skill, doing feats which even Annery, Kollerman might envy. He was not called upon during the first part of the day, at least, to help any of the lads in the pool. The pool was only partly filled with water, and the boys today, varying from a few inches to three feet in depth.

A TEARFUL EPILOGUE.

Nels Larsen, 13 years of age, was an imitator of James Edward Fitzpatrick in the dive from the neck. Nels got a good start, but when he started to

stripped and ready to go in the pool, but they seemed to be a doubt in his mind as to the advisability of so doing. He stood on the rim of the pool for some time, looking down at the water. Then, with a great light, he suddenly dived into the water. He swam for a time, but he became conscious of the fact that his back smarted. He had a casual examination made by another lad in the pool and this lad assured him that he had "rubbed all the meat off his back clear to the bone." This brought forth a lachrymose flood from Nels. An attendant calmed him with the assurance that his back was a trifle red, but that no harm had been done. Nels again entered the pool and jumped, for his friend who had falsely advised him. He proceeded to "duck" him a dozen times and then the two started in with the rest of the crowd to enjoy the frolic.

An exposition of the wide range in the human nature of boys was afforded by the day's pastime. There were timid little fellows who were quite satisfied to stay in the east end of the pool where the water was only a few inches deep and where it rushed fresh and steaming hot from the supply pipe. There were 25 or 30 of these little fellows huddled together in the corner telling about the feats they had performed in the old swimming-hole, but quite content to let the bigger ones do the "stunts" in the pool.

A SERIOUS SIDE OF THE STORY.

The story of the day's swim has its serious side as well as its funny side. To see those 3,000 boys as they were assembled in groups, being allowed one hour in the pool at each hour the scene was reproduced. Three hundred tickets were distributed for each hour and the boys were kept during the day contained less than 200 boys. The big group of the day was the 9 o'clock group, which contained 296 boys, only four of these having failed to show up. From every viewpoint of the day was a success, a joy for the boys and though the work was hard for the attendants, they "closed" their day feeling that they, too, had a good time and that they have helped to make nearly 3,000 boys of the city happy.

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FOR 'TIPLESS BARBERS.'

Pittsburg, Pa., Sept. 17.—A movement is on foot among barbers themselves for tipless barbers and the elevation of their profession to the degree of "D. T.," or "tipless doctor." J. C. Shanessy, general organizer of the International Brotherhood of Barbers, is here promoting the movement. He declares that in 15 states some sort of examination is required of barbers, and many are accused, like medical men, to send in monthly or quarterly reports to the local barbers' union, he urged that Pennsylvania adopt such a license as a condition of practice. He said the national convention of barbers in Indianapolis, Sept. 22, the best law now in existence would be selected as a model in a campaign for a nationwide uniformity in requirements for admission to the profession.

SAN JOSE'S TOWN MARSHAL IN PREDICAMENT

San Jose, Cal., Sept. 17.—Receiving word from his father-in-law in the city of San Jose, the town marshal of San Jose, Cal., was in a predicament. He was a married man and had a family of five children. He was a married man and had a family of five children. He was a married man and had a family of five children.

DEAD BODIES DISCOVERED ON LOCOMOTIVE'S PILOT

Philadelphia, Sept. 17.—Tightly wedged in the pilot of an express train on the Baltimore and Ohio railroad the bodies of two men, badly mangled and supposed to be those of Winfield D. Cullin and Jesse Cullin of Belcamp, Md., were found early today when the train arrived in this city.

In addition to the bodies, parts of which were missing a piece of a horse blanket and a portion of what is believed to have been a carriage wheel were also found on the locomotive. In the pockets of the clothing on the bodies were found letters containing the names and addresses above given.

RECORD PERIOD FOR CUSTOMS COLLECTIONS

New York, Sept. 17.—The month of September bids fair to rank as the record period for customs collections from home-returning Americans at the port of New York. According to preliminary figures, the amounts thus collected are likely to reach a higher figure than the entire year's total collected from incoming ocean passengers in 1909, 1908, the year collected in duty and penalties on personal baggage in this port only \$160,000. The first 15 days of the present month yielded a total of \$199,000.

From the Mauretania this week the customs men collected from 925 passengers \$22,000; from the Adriatic, with 935 travelers, \$32,000; from the Kronprinzessin Cecilie, \$25,000; and from the Lusitania on Sept. 2, \$15,183.36.

The collections for each month so far this year have been: January, \$12,000; February, \$20,000; March, \$45,000; April, \$44,000; May, \$101,000; June, \$131,000; July, \$124,000; and August, \$171,000.

If this average is maintained the total collections for 1910 personal baggage will amount to nearly \$1,250,000, which will beat the banner year of 1909, in which the figure set was \$1,040,000.

TECHNICAL KNOWLEDGE FOR AMERICAN MERCHANTS

St. Louis, Sept. 17.—To equip American merchants with an expert, accurate, technical knowledge, which will enable them to properly to make their produce in foreign countries, is the purpose of the foreign trade school which the Latin-American and Foreign Trade association is starting in St. Louis. The school will be similar to those of England, Germany and other countries. Special attention will be given to the American merchants.

URGENT AMENDMENTS TO CALIFORNIA DIVORCE LAW

Sacramento, Cal., Sept. 17.—The inter-denominational commission on divorce for northern California yesterday decided to recommend the following changes in the state divorce laws:

That a divorce examiner be appointed in every county to conduct every divorce case; that the present law for punishing adultery be amended by dropping the words "open and notorious;" that the defendants to all divorce actions must appear at trial either in person or by deposition.

It was also recommended that no marriage license should be issued without 10 days' notice.

STEEL BARGES FOR MISSISSIPPI RIVER TRADE

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HAYTI BUYING ITS ARMS IN UNITED STATES

Washington, Sept. 17.—The Haytian government is now buying its weapons of warfare from Uncle Sam's manufacturers, instead of patronizing European concerns, as in former years. American Minister Furness at Port-au-Prince, in a report upon this subject, states that the Haytian government has recently bought from an American firm 1,000 Springfield rifles, and that an order for 2,000 more soon will be placed in this country.

MARGARET M. MILLER DEAD.

Chicago, Sept. 17.—Miss Margaret M. Miller, one of the surviving nurses who brought wounded Union soldiers back to health during the Civil war, is dead at the residence of her niece here. Miss Miller was 53 years old.

When the war broke out, she went into southern territory. Most of her days of service were spent in the camps at Memphis and Nashville. The late Mrs. Miller taught the children in South Carolina. She spent several years in the southern schools and then came to Chicago.

WALK WENT FOR A STROLL

While Taking His Constitutional Thieves Entered His Home.

J. F. Walk, who lives at 1123 Windsor street, went for a stroll last night and while he was gone thieves crawled into his home and stole three rings valued at \$150. While Mr. Walk was rambling the thieves were prowling through the house and when Mr. Walk trudged back home he found that the thieves had left a trail of blood. They gained entrance to the home of Mr. Walk by perambulating up to the front window and sliding into the home. They then moved around until they located the jewelry and crept out. All this happened at Mr. Walk was waiting around the block for a little constitutional. There is no clue to the thieves who ambled into the home.

CONTEST OVER BLOCKADE RUNNER'S VAST ESTATE

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Barnett, Sr. lived alone in his declining days. Shortly before his death his son Gustav removed him from his boardinghouse to apartments adjoining his own in an apartment hotel.

PRESSING DISCOVERER OF SILVER-MAKING FOR DEBTS

Philadelphia, Sept. 16.—Dr. P. W. Lange of Scranton, who was heralded throughout the world several months ago as the discoverer of a process for the transmutation of base metal into silver, caused the arrest here today of E. D. Gleason, who is said to be an inventor and chemist.

Lange charges Gleason with false pretense and forgery. In his information before the aldermen he complains that the People's bank of Danville, this

AEROPLANES IN WARS OF FUTURE

Military Experts Say Will Play Important Role and May Revolutionize Strategy.

GEN. BRUN IS ENTHUSIASTIC

French Minister of War Delighted With Their Achievements in Army Maneuvers.

Grandvilliers, France, Sept. 17.—Gen. Brun, French minister of war and the entire army are enthusiastic over the achievements of the aeroplanes and dirigible balloons in the military maneuvers which ended today.

The military experts are unanimous in the opinion that the air machines are destined not only to play an important role in future wars, but to modify greatly if not revolutionize army strategy. Henceforth it will be almost impossible to conceal the position and movements of troops, and so will be eliminated practically the surprise rank operations which have decided so many critical battles.

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